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2/12/88

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HUGO SONNENSCHN (917-1981)  
WILLARD ICE (915-1980)  
ADELOR J. RETIT JR. (609-1986)

*original to  
Mark Books  
copy to: ① Enforcement  
② Records  
③ Region 2  
④ Records Unit*

February 12, 1988

Donald R. Schregardus, Chief  
Compliance Section  
United States Environmental  
Protection Agency  
Region 5  
230 South Dearborn Street  
Chicago, Illinois 60604

Re: Cerro Copper Products Company  
Pretreatment Regulations Order  
Pursuant to 33 U.S.C. Section 1319(a)  
Docket Nos. V-W-87-AO-42  
V-W-88-AO-01

Dear Mr. Schregardus:

I am writing to reply to your letter of February 4, 1988, which I received on February 8, 1988. In your letter, you requested that Cerro Copper Products Company ("Cerro") submit what you described as "deficient information" concerning Cerro's Periodic Compliance Report within ten days of receipt of your letter. On behalf of Cerro, I have timely provided below the information you requested. The information is set forth in separate paragraphs numbered to cross-reference the numbered paragraphs contained in your February 4 letter.

Completed by JAMES M. MARTIN  
CHARLES L. MCCLELLAN  
COUNSEL  
FEB 16 1988  
Environmental Protection Agency  
STATE OF ILL. 513

CER 007957

Donald R. Schregardus, Chief  
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1. As you noted, Cerro's Periodic Compliance Report was submitted on November 27, 1987. While you have taken the position that this Report was due on August 15, 1987 regardless of the U.S.EPA's decision to issue the Amended Administrative Order, Docket No. V-W-87-AO-01, this was not Cerro's understanding. At a July 21, 1987 meeting with Cerro's representatives, the U.S.EPA agreed with respect to the originally issued Administrative Order V-W-87-AO-42 that: certain of the parameters and sampling locations for the ordered monitoring program would be revised; other changes requested by Cerro would be given further consideration by the U.S.EPA; and an amended administrative order reflecting the accepted changes would be issued. Cerro believed it was not obligated to proceed further with its monitoring program until the issuance of the amended order which was to contain the U.S.EPA's final decision on Cerro's requested revisions.

It was not until well after the August 15, 1987 deadline that Cerro learned from the U.S.EPA that it was not relieving Cerro from the terms of the original order even though the U.S.EPA's issuance of the amended order had been unexpectedly delayed due to the "press of other matters." Cerro believed then, and still believes, that it should not be penalized because of the U.S.EPA's delay given the fact that the U.S.EPA did proceed to issue an amended order which provided for a monitoring program which was much more limited in scope than required in the original order.

2. Contrary to your finding, a written report was provided to the Chief of the Compliance Section pursuant to paragraph 3 of AO/42, detailing why the submission was "late." S.A. Silverstein, Cerro's Manager of Energy and Environmental Affairs, provided the written report by letter dated October 9, 1987, and as subsequently corrected by letter dated October 13, 1987, both addressed to the Chief of the Compliance Section. For your convenience, I have enclosed copies of these October, 1987 letters.

3. It appears that the production data may have been inadvertently omitted from the Periodic Compliance Report. It was contained in a separate letter from S.A. Silverstein to Dr. James Patterson, dated September 9, 1987, a copy of which we believed had been included with Cerro's submission. In any event, another copy of that September 9, 1987 letter containing the requested production data is enclosed.

4. Cerro believes that it complied with Section 403.12(e)(2)'s requirement that the Periodic Compliance Report must "indicate" the mass of pollutants regulated by pretreatment standards. Cerro provided the regulated pollutant discharge in concentration units and provided the associated flow data.

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Consequently, by a rather simple mathematical calculation, the mass of pollutants discharged may be specifically identified. As it appears from your letter that you already have done these calculations for the November, 1987 Report, in Cerro's subsequent reports, we will perform these calculations for the U.S.EPA and provide the pollutants discharge in mass units to dispense with this claimed deficiency.

a. We do not dispute your finding that the sampling results show a loss of 531 lbs/day of copper in the pipe. However, we do not believe that this calculated finding from the sampling results accurately reflects what is happening at Cerro's plant. We suspect instead that the complexity and variability of the flows through the pipe are the cause of this finding.

b. Cerro's technical consultant is trying to determine how the BMR submissions allegedly use the Combined Wastestream Formula (CWF) incorrectly. We have not yet discovered the alleged error in the use of the CWF. Pending completion of our review, we would appreciate your providing us with an explanation of how we are using the CWF incorrectly. We believe such information would expedite our review of not only the BMR submissions but also our compliance with your request that we review all submissions for consistency with the CWF in determining applicable limits.

c. Cerro will in its subsequent periodic compliance reports provide flow weighted values for Total Phenols and Oil and Grease for compliance with daily maximum limitations or monthly averages.

5. The sampling report included all of the sampling locations and parameters which Cerro believed the U.S.EPA would require as a result of the July 21, 1987 meeting referred to, and as further explained, in Paragraph 1 above. At that meeting, Cerro explained to the U.S.EPA's representatives that it was not possible to perform the monitoring program at all of the sampling locations and parameters specified in the originally issued administrative order. Cerro did not believe it was in violation of any of the order requirements in omitting the sampling locations and parameters which it had challenged in that July 21, 1987 meeting and which the U.S.EPA had either orally agreed at that time to eliminate or at least agreed to consider eliminating when it issued the amended administrative order. Ultimately, the terms of the Amended Administrative Order "AO/01" confirmed that the U.S.EPA agreed with Cerro's position that certain of the sampling locations and parameters should be eliminated. Cerro's subsequently reported sampling will contain all of the sampling locations and parameters required by the terms of the Amended Administrative Order.

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6. No report was submitted on September 15, 1987 for the same reasons explained above in paragraphs 1 and 2.

7. Cerro acknowledges the U.S.EPA's position that the Amended Administrative Order AO/01 superceded the remaining unfulfilled requirements of V-W-87-AO-42 on October 13, 1987.

As a further report to you, pursuant to paragraph 3 of Amended Order AO/01, Cerro conducted the required sampling on December 16, 1987. However, the sampling results were not received from the laboratory by Cerro until January 26, 1988 even though Cerro had pressed the laboratory to provide the sampling results at the earliest possible time. Consequently, Cerro's periodic compliance report on its December, 1987 sampling is still being prepared by Cerro's technical consultant and will be submitted as soon as possible.

Cerro submits that it is the Total Toxic Organics (TTO) analysis which is prolonging the receipt of the laboratory sampling results. Cerro has contacted many U.S.EPA certified laboratories to discuss the issue of obtaining sampling results more expeditiously. Cerro has been informed by these laboratories that the minimum time period for producing laboratory results for TTO is sixty days from the date of sampling. Because of the minimum 60-day time period for obtaining the TTO sampling results, it is impossible for Cerro to conduct the required sampling on a monthly basis and still timely submit the required quarterly reports. Cerro, therefore, requests that the U.S.EPA reconsider Cerro's prior request that the requirement for monitoring TTO be eliminated or, alternatively, that the required sampling frequency be changed from a monthly to a quarterly basis.

Cerro did not conduct sampling in November, 1987 because it was pursuing further with the U.S.EPA perceived inaccuracies in the October 13, 1987 Amended Administrative Order. These matters were resolved in time to conduct the December, 1987 sampling.

Finally, Cerro was not able to complete the sampling scheduled for January, 1988 due to extremely adverse weather conditions causing ice blockage in the sewer system. Similarly, sampling was scheduled to resume on February 2 or 3, 1988 but adverse weather conditions caused the sampling to be cancelled. The sampling was rescheduled for February 8 and weather conditions again caused the sampling to be rescheduled to February 11, 1988. On February 11, the sampling again had to be postponed because of heavy stormwater flows through the sewer system which made it physically impossible to record flows in the system. Sampling is currently scheduled to resume on February 16, 1988. Cerro hopes it will not experience any further interruptions in the monitoring program required by the Amended Administrative Order.

CER 007960

Martin, Craig, Chester & Sonnenschein

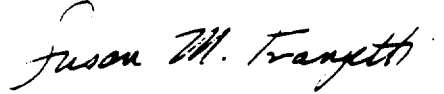
Donald R. Schregardus, Chief

February 12, 1988

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Please contact me or Richard J. Kissel should you have any further questions or if you need additional information.

Very truly yours,



Susan M. Franzetti  
Counsel for Cerro Copper  
Products Company

SMF/kw

encls.

cc: Chief, Compliance Assurance Section, IEPA  
Jeffrey Karp, Esq.  
Kenneth A. Rogers, IEPA  
S.A. Silverstein  
Dr. James Patterson

CER 007961



CERRO COPPER PRODUCTS CO.  
A member of The Marmon Group of companies

October 13, 1987

Chief, Compliance Section  
United States Environmental  
Protection Agency  
Region V  
230 South Dearborn St.  
Chicago, IL 60604

Attention: 5WQC-TUB-8

Re: Docket No. V-W-87-A0-42

Gentlemen:

In my letter of October 9, 1987, the word "until" was inadvertently  
omitted from the last line of the first paragraph.

Attached is a corrected copy of the letter.

Very truly yours,

CERRO COPPER PRODUCTS CO.  
A member of The Marmon Group  
of companies

*S. A. Silverstein*  
S. A. Silverstein  
Manager of Energy and  
Environmental Affairs

SAS/ge

Attachment

cc: Chief, Compliance Assurance Section  
Illinois EPA, 2200 Churchill Rd., Springfield, IL 62706

bcc: Susan Franzetti  
J. W. Patterson  
H. L. Schweich  
P. Tandler

CER 007962



CERRO COPPER PRODUCTS CO.

A member of The Marmon Group of companies

October 13, 1987

Chief, Compliance Section  
United States Environmental  
Protection Agency  
Region V  
230 South Dearborn St.  
Chicago, IL 60604

Attention: 5WQC-TUB-8

Re: Docket No. V-W-87-AO-42

Gentlemen:

On July 29, 1987, I wrote advising you that pursuant to a July 21 meeting between Dr. James Patterson, technical consultant to Cerro Copper Products Co. ("Cerro"), and Ms. Anne Weinert of U. S. EPA (Region V), Cerro expected to receive prior to August 15, 1987 an amended Compliance Order, Docket No. V-W-87-AO-42, revising the monitoring provisions set forth in paragraphs 2 and 3 at pages 3 - 4 of the Order. Through its attorneys, Cerro subsequently was informed by the U.S. EPA (Region V) that the issuance of the amended Compliance Order has been delayed due to the press of other "matters until on or after October 15, 1987".

By our July 29, 1987 submission, Cerro timely complied with the terms of paragraph 1 of the Compliance Order which is not the subject of the U.S. EPA's pending revisions. Cerro intends, and is prepared to, timely comply with the remaining requirements of the amended Compliance Order following its receipt from the U.S. EPA.

Should you have any questions or wish to discuss this matter further, please contact me or Cerro's counsel in this matter, Richard J. Kissel.

Very truly yours,

CERRO COPPER PRODUCTS CO.

A member of The Marmon Group of companies

S. A. Silverstein

Manager of Energy and Environmental Affairs

SAS/ge

cc: Chief, Compliance Assurance Section  
Illinois EPA, 2200 Churchill Road, Springfield, IL 62706

bcc: Susan Franzetti  
J. W. Patterson  
H. L. Schweich  
P. Tandler

CER 007963



CERRO COPPER PRODUCTS CO.

A member of The Marmon Group of companies

October 9, 1987

Chief, Compliance Section  
United States Environmental  
Protection Agency  
Region V  
230 South Dearborn St.  
Chicago, IL 60604

Attention: SWQC-TUB-8

RE: Docket No. V-W-87-AO-42

Gentlemen:

On July 29, 1987, I wrote advising you that pursuant to a July 21 meeting between Dr. James Patterson, technical consultant to Cerro Copper Products Co. ("Cerro"), and Ms. Anne Weinert of U.S. EPA (Region V), Cerro expected to receive prior to August 15, 1987 an amended Compliance Order, Docket No. V-W-87-AO-42, revising the monitoring provisions set forth in paragraphs 2 and 3 at pages 3 - 4 of the Order. Through its attorneys, Cerro subsequently was informed by the U.S. EPA (Region V) that the issuance of the amended Compliance Order has been delayed due to the press of other matters on or after October 15, 1987.

By our July 29, 1987 submission, Cerro timely complied with the terms of paragraph 1 of the Compliance Order which is not the subject of the U.S. EPA's pending revisions. Cerro intends, and is prepared to, timely comply with the remaining requirements of the amended Compliance Order following its receipt from the U.S. EPA.

Should you have any questions or wish to discuss this matter further, please contact me or Cerro's counsel in this matter, Richard J. Kissel.

Very truly yours,

CERRO COPPER PRODUCTS CO.  
A member of The Marmon Group  
of companies

*S. A. Silverstein*  
S. A. Silverstein  
Manager of Energy and  
Environmental Affairs

cc: Chief, Compliance Assurance Section  
Illinois EPA, 2200 Churchill Road, Springfield, IL 62706

bcc: Susan Franzetti ✓  
J. W. Patterson  
H. L. Schweich  
P. Tandler

CER 007964





# CERRO COPPER PRODUCTS CO.

A member of The Marmon Group of companies

September 9, 1987

Completed  
FEB 13 1988  
Environmental Protection Agency  
STATE OF ILLINOIS

Dr. James Patterson  
Patterson Associates Inc.  
1540 N. State Parkway  
Unit 13-A  
Chicago, IL 60610

Dear Jim:

Sverdrup Corp. has completed their field sampling report covering the program carried out on August 5 and 6, and copies were mailed to you by Larry Oliver on September 4.

To complete the information called for in U.S.EPA Compliance Order of June 30, 1987 the following are our production totals for the 24 hour sampling period:

	<u>Metal Molding &amp; Casting</u>	<u>Non-Ferrous Metals</u>	<u>Copper Forming</u>
August 5 8:00 a.m.- 4:00 p.m.	327,000	91,000	274,000
August 5 4:00 p.m.- 12:00 M	456,000	50,000	259,000
August 6 12:00 M - 3:00 a.m.	11,000	21,000	314,000

These are once-through pounds of actual production. Figures are not available for weights of material that passed through as scrap, testing and experimental, and other operations that did not yield finished products.

Kindest personal regards,

Very truly yours,

CERRO COPPER PRODUCTS CO.

A member of The Marmon Group of companies

*S. A. Silverstein*  
S. A. Silverstein

Manager of Energy and Environmental Affairs

SAS/ge

cc: P. Tandler, w/ copy of Sverdrup report  
S. Franzetti, w/copy of Sverdrup report

CER 007965